

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

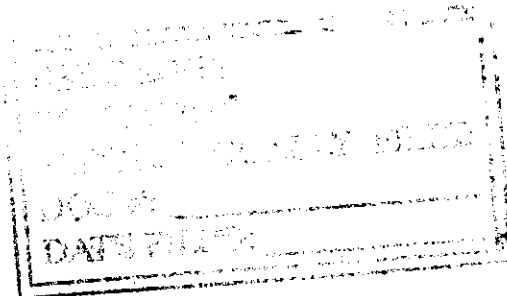
- v. -

JAMES CURLEY,
a/k/a "Jim Harris"

Defendant.

SUPERSEDING
INDICTMENT

S1 08 Cr. 404 (SCR)



COUNT ONE

The Grand Jury charges:

1. From in or about August 2006 through in or about October 2006, in the Southern District of New York and elsewhere, JAMES CURLEY, a/k/a "Jim Harris," the defendant, with the intent to kill, injure, harass and place under surveillance with the intent to kill, injure, harass and intimidate and cause substantial emotional distress to a person in another state, unlawfully, wilfully and knowingly used an interactive computer service and a facility of interstate commerce to engage in a course of conduct that caused substantial emotional distress to that person and placed that person in reasonable fear of the death of and serious bodily injury to that person, to wit, JAMES CURLEY, a/k/a "Jim Harris," used a computer to access global positioning system ("GPS") data for a GPS device that had been placed surreptitiously on a Victim's (the "Victim") car (the "GPS device") and used that GPS data to surveil the Victim in New Jersey, among other places,

thereby causing the Victim substantial emotional distress.

(Title 18, United States Code, Sections 2261A(2)(A) & 2.)

COUNT TWO

The Grand Jury further charges:

2. On or about October 9, 2006, in the Southern District of New York and elsewhere, JAMES CURLEY, a/k/a "Jim Harris," the defendant, unlawfully, wilfully and knowingly traveled in interstate commerce, with the intent to kill, injure, harass, and place under surveillance with the intent to kill, injure, harass and intimidate another person, and as a result of such travel caused substantial emotional distress to that person, to wit, JAMES CURLEY, a/k/a "Jim Harris," using data from the GPS device, traveled from New York to Emerson, New Jersey, where GPS data indicated the GPS device was located, and surveiled that area, and caused substantial emotional distress to the Victim.

(Title 18, United States Code, Section 2261A(1).)

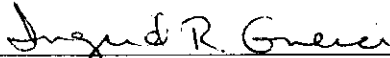
COUNT THREE

The Grand Jury further charges:

3. On or about October 9, 2006, in the Southern District of New York and elsewhere, JAMES CURLEY, a/k/a "Jim Harris," the defendant, unlawfully, wilfully and knowingly traveled in interstate and foreign commerce, with the intent to engage in conduct that violates the portion of a protection order that

prohibits or provides protection against violence, threats, and harassment against, contact and communications with, and physical proximity to, another person, and that would violate such a portion of a protection order in the jurisdiction in which the order was issued, and subsequently engaged in such conduct, to wit, JAMES CURLEY, a/k/a "Jim Harris," the defendant, traveled from New York to Emerson, New Jersey to stalk, harass, menace, recklessly endanger and intimidate the Victim, and by doing so violated a Rockland County Family Court Order of Protection.

(Title 18, United States Code, Section 2262(a)(1).)


FOREPERSON


MICHAEL J. GARCIA
United States Attorney